

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

JOBBIE FLOWERS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.
	)	3:20-CV-517-RJC-DCK
ELECTROLUX NORTH AMERICA, INC.,	)	
	)	
Defendant.	)	

DEPOSITION  
OF  
JOBBIE FLOWERS  
(via Zoom in Mecklenburg County)

Taken at:

Fisher & Phillips, LLP  
227 West Trade Street, Suite 2020  
Charlotte, North Carolina

On Tuesday, March 16, 2021

REPORTER: ANITA INGRAM  
Notary Public  
(via Zoom in Mecklenburg County)

1 that they used there at Wells Fargo, but it was really just  
2 a home mortgage program for people that defaulted on their  
3 mortgages. I was at Wells Fargo, and I was a consultant  
4 there.

5 After that, I worked at Electrolux, and I came on  
6 permanent in 2011, May 22nd, 2011 -- I believe, 23rd, 2011.

7 Q. Okay. Let me sort of roll back and ask a few questions  
8 about some of these jobs. So when you worked in Atlanta  
9 and you were working for Total Audio Visual, you were, I  
10 believe you said, setting up AV equipment for conferences  
11 in the Hyatt and that sort of thing?

12 A. That is correct, that is one of the jobs I had there, and I  
13 have also worked in the business center as well.

14 Q. Then you worked at Wentworth College.

15 A. Yes.

16 Q. And you may have told me, but I didn't -- you went through  
17 your jobs quickly. What were you doing at Wentworth? You  
18 were performing an HR role?

19 A. Yes, I helped out -- I helped Wentworth with organizing the  
20 résumés in their system that they had where they track all  
21 the résumés, and that was just a temporary job. I probably  
22 worked with them for maybe six or seven months, and then I  
23 worked at The Gillette Company after that.

24 Q. And how long were you with Gillette?

25 A. I was with Gillette for three years.

1 employee handbook that I received. But yes, this does look  
2 familiar.

3 Q. So did the company issue a hard copy of the handbook to  
4 you, or did they have it posted on a site where it was  
5 available?

6 A. I may have received a hard copy and an electronic copy.

7 Q. Now, you told me that, when hired, you were working as an  
8 application support analyst. Can you tell me what that job  
9 involved?

10 A. It involved addressing any technical issues that we had  
11 with our .Net applications and some of our other web-based  
12 applications. So if you were to log in -- let's say, for  
13 example, you were having problems getting your Zoom to work  
14 during this deposition, you could log a ticket, call in --  
15 either call in to the help desk or you can go ahead and  
16 submit an email request for some help. And if it was an  
17 application that I was -- I supported, that ticket would  
18 come to me, and I would help get those issues resolved.

19 Q. Okay.

20 A. That was the primary role for that position as an  
21 application support analyst.

22 Q. I want to back up and ask you about those tickets, and then  
23 I want to ask a few more questions about the application  
24 support analyst role. So you said, "log a ticket." Tell  
25 me what the ticket is.

1 A. It would be -- if we could use your -- the issue that you  
2 had with the Zoom call earlier this morning.

3 Q. Sure.

4 A. It could just be any kind of technical issue. You can't  
5 hear something on your headset, right? If you have an  
6 issue like that, you would contact the help desk. That  
7 ticket would come to me in this example, and I would help  
8 you resolve that issue.

9 Q. So if I have the problem, I called the help desk, tell them  
10 what the problem is. At that point a ticket was going to  
11 get created; is that right?

12 A. Yes, that is correct.

13 Q. And if the help desk can help me, then I assume the help  
14 desk would. And if they can't, they're going to send that  
15 ticket to someone who can?

16 A. That's correct.

17 Q. And so if you're the person who supports that application,  
18 then the ticket would go to you. And would you then  
19 contact me and help me work through my problem?

20 A. Yes.

21 Q. And if it turned out that the problem was something that  
22 was not in your area of expertise, would you pass the  
23 ticket along to someone else?

24 A. Yes. We have different levels of support. We have  
25 level 1, level 2, and level 3. I worked in level 2

1 support. If I couldn't resolve the issue, I would reassign  
2 it to a level 3 support person, and then they would resolve  
3 the issue.

4 Q. And the help desk is level 1; is that right?

5 A. That is correct, yes.

6 Q. And so there might be many problems that the help desk  
7 could do, and so --

8 A. Yes.

9 Q. -- it could get solved at that level; is that correct?

10 A. That is correct.

11 Q. And then you get these higher levels of specialization as  
12 you go on.

13 Now, when the problem -- let's suppose my ticket comes  
14 to you and you solved the problem. Is there anything you  
15 do with the ticket? Do you delete it or close it or make  
16 some record that the problem is solved?

17 A. Yes, I update the comment section. That just talks about  
18 how I resolved it, and then I would close the ticket.

19 Q. So when you were working as -- in this first job as an  
20 application support analyst, did you have duties or  
21 assignments other than working on the tickets that you  
22 received from the help desk?

23 A. Yes, I definitely did.

24 Q. Tell me about those other responsibilities or assignments.

25 A. So there were quite a few different things that I did other

1       they're looking for work or getting education and training,  
2       and then they'll transition into owning -- I mean, renting  
3       an apartment on their own. So it's not really  
4       transitional. It's really for more permanent housing for  
5       veterans. So that's the program that I participate in, is  
6       for finding permanent housing for veterans.

7   Q.   Does that mean that veterans actually end up renting your  
8       property in some cases?

9   A.   They actually end up renting the property, yes. They get a  
10       lease. I sign up a year lease for them, and I work with  
11       them on having permanent housing.

12       And Electrolux understood and knew that that's  
13       something that I was very passionate about. Again, all the  
14       managers at Electrolux IT knew that I was the person to go  
15       to if they had donations for any homeless person.

16   Q.   Now, during the time that you were at Electrolux, did you  
17       ever take any FMLA leave?

18   A.   No, I did not.

19   Q.   Were you ever out long enough to receive short-term  
20       disability benefits?

21   A.   I think the longest I was out sick may have been three  
22       days.

23   Q.   Okay.

24   A.   So I'm not sure if that falls in the realm of FMLA or not,  
25       but that's the longest that I've been out, was three days.

1 Q. I mean, well, you said you were in the original position  
2 until about 2015. And what I meant to ask was: What  
3 changed in 2015?

4 A. Okay. So in 2015 I was promoted to application support  
5 team lead, and that wasn't a position that I applied for.  
6 The director at the time, Jacob From, recognized all the  
7 hard work that I've done over the last few years and some  
8 of the hard work I've done implementing a new system, and  
9 he identified me as a resource that he wanted to recognize.  
10 So they gave me a promotion as team lead.

11 And when I was -- when I got the promotion as team  
12 lead, I actually didn't have a manager at the time. I  
13 don't believe I had a manager at the time. I don't  
14 remember 100 percent. But when they promoted me as a team  
15 lead, at some point I no longer had a manager at some  
16 point, and I became kind of like the fill-in manager in  
17 that role as team lead.

18 But in 2015 that's when I got the official promotion  
19 as team leader for the application support team.

20 Q. During the time that you were a team lead and did not have  
21 a manager, were you reporting directly to the director?

22 A. Yes, Brenda Simpson.

23 Q. And during that time did you have any responsibility for  
24 anyone who was not on your team?

25 A. Yes.

1 A. But yes, I've had conversations with management about the  
2 performance of employees on my team in general, but I can't  
3 remember a specific situation where they said, "I'm writing  
4 this person a warning. Tell me how you feel." I  
5 haven't -- I don't recall that.

6 Q. So you would provide information to the manager and the  
7 manager would do with it as he or she deemed appropriate;  
8 is that --

9 A. Yes.

10 Q. Now, did your compensation change when you became a team  
11 lead?

12 A. Yes, they gave me a raise.

13 Q. Okay.

14 A. I received a bonus, and I received -- I received a bonus  
15 for performance, and I've also received raises.

16 Q. Let me ask about the bonus. Did you ever receive bonuses  
17 before you became a team lead?

18 A. If I recall, yes.

19 Q. Did you --

20 A. So I just want to --

21 Q. Go ahead.

22 A. Pardon. Please go ahead.

23 Q. When you became team lead, did you receive a special bonus  
24 because you were now a team lead?

25 A. I can't recall. I know I received bonuses, but not a





1 Q. (By Mr. Alexander) Mr. Flowers, I would like to talk to you  
2 about the different people you reported to while you were  
3 with Electrolux. I think --

4 A. Okay.

5 Q. -- you said initially it was Mr. Balderrama.

6 A. Yes.

7 Q. And how long did you report to him?

8 A. Two or three years. I don't remember exactly, but two or  
9 three years.

10 Q. And who was your manager after that?

11 A. Mike Daniel.

12 Q. How long did you work for Mr. Daniel?

13 A. For about two years.

14 Q. Who was your manager after Mr. Daniel?

15 A. I reported directly to Brenda Simpson.

16 Q. How long did you work for Ms. Simpson?

17 A. Maybe two years. I don't remember the exact dates that I  
18 reported to her because -- I don't remember, but maybe two  
19 or three years.

20 Q. And --

21 A. And then Kopal Rawat. And then I reported to Kopal Rawat  
22 after Brenda Simpson, and I reported to her for about a  
23 year.

24 Q. So let me ask you about your relationship with  
25 Mr. Balderrama. How did you get along with him?

1 A. Great, great. If I recall, he's given me "Exceeds  
2 expectations" on my performance reviews. I also believe  
3 that Mike Daniel also gave me "Exceeds expectations" on my  
4 performance reviews, and not very many employees get that.  
5 So with Javier, we had a great relationship. Up until I  
6 left/until I was terminated, we had a great relationship.

7 Q. And how was your relationship with Brenda Simpson?

8 A. Great. Great relationship with Brenda Simpson. I've --  
9 you know, I knew Brenda Simpson for the last nine years. I  
10 didn't have a bad relationship with Brenda Simpson at all,  
11 I don't think I did. I don't think I had a bad  
12 relationship with any of my previous managers either. I  
13 can't say that I had a terrible relationship with them.

14 Q. So tell me what was different about Ms. Rawat.

15 A. She -- please rephrase that question. I want to make sure  
16 I understand it and I answer it correctly.

17 Q. Well, you just told me that you had good relationships with  
18 all your prior managers. It appears there were some issues  
19 with Ms. Rawat. So my question is: What was different?  
20 How was that different?

21 A. Ms. Rawat didn't like me for one reason or another, so she  
22 was always talking down to me. She was just very mean to  
23 me. She treated me differently than anyone else on the  
24 team. And, you know, it was evident. It was something  
25 that couldn't even be hidden.

1 hall meetings and all of those things, I thought it was  
2 appropriate for me to be able to go to my manager and say,  
3 "Hey, let's work together. We're both on the leadership  
4 team. We're both leaders within the IT organization. Can  
5 we get with HR so we can work together and see how we can  
6 resolve our differences and work together better as a  
7 team?" So that's what this email is. This is me asking  
8 her what kind of process should we have to reach out to HR.  
9 So that's what I did on July 19th.

10 And then she subsequently sent an email to HR after  
11 that, so we can scroll up. Do you want me to talk through  
12 this entire --

13 Q. Sure.

14 A. -- document, Mr. Alexander? Okay.

15 THE WITNESS: Go ahead scroll up.

16 A. So then after she did that, I thanked her. I said,  
17 "Thanks, Kopal," because I'm always respectful.

18 THE WITNESS: If you would scroll up some more.

19 A. And then here is where Alexa is responding, asking if this  
20 has something to do with medical leave or if it's a general  
21 HR question. That's what she wanted to know.

22 THE WITNESS: So go ahead and scroll up.

23 A. And I responded to Alexa saying, "Hey, we haven't formally  
24 met yet" -- because she was a fairly new employee -- "we  
25 haven't formally met yet, but I would like to meet with you

1 and help us with this issue 'cause, again, I had a great  
2 relationship with all the management team as well as HR, I  
3 thought. So that's what this is.

4 Q. Now, as a result of this email correspondence, did you have  
5 a meeting with Alexa Moor?

6 A. Yes. She couldn't have a meeting immediately, so -- I  
7 didn't see it here, but she had a meeting, and she couldn't  
8 meet immediately, so she wanted to schedule it for August.  
9 So she sent me an invite for a meeting in August because I  
10 believe she was going on vacation for a few weeks, and when  
11 she came back she wanted to meet with us. So we waited a  
12 few weeks, and we got together in her office.

13 Q. Tell me about that meeting.

14 A. I'll try and tell you what I can remember. Kopal and I  
15 walked together to HR. If I recall, we walked together to  
16 HR. I've always been very personable and cordial to her.  
17 We walked together and chatted, I believe, on our way to  
18 HR. We met with Alexa, and we -- I kind of told Alexa some  
19 of the things that I faced and wanted to see, you know, how  
20 she could help us with maybe training or something, you  
21 know, what we can do.

22 But between the time that I requested a meeting with  
23 HR and we got to HR, Kopal, she became nicer during that  
24 period, right? Between the time that I requested to meet  
25 with HR and by the time we got to HR, she was very nice,

1 and she acted like she wanted to work with me.

2 So during that meeting Alexa asked, "So where do you  
3 guys want to go from here? Do you want to continue to just  
4 try to meet more frequently?" Because one of the things  
5 that I suggested -- I made a suggestion during that  
6 meeting, and I said, "Well, maybe if Kopal and I met more  
7 frequently" -- because we never really meet. We just have  
8 our daily standup -- "maybe if we can meet more frequently,  
9 maybe once a week, and kind of level set as, you know, team  
10 lead to manager, she can tell me, you know, some of the  
11 things that she might want me to do, and I can tell her  
12 about my week or whatever, some of the things that I've  
13 experienced with my projects and team members and things  
14 like that."

15 So after that meeting she said, "Why don't you guys go  
16 ahead and meet more frequently just you and Kopal  
17 one-on-one."

18 And I said, "Great," because we really hadn't had  
19 one-on-ones. A one-on-one is a one-on-one meeting with  
20 your manager.

21 Before Kopal came, I had one-on-one meetings at least  
22 once a month with all of my team members just so I could  
23 see where they're at and they can come to me with any  
24 issues that they're having, whether it be they want to just  
25 talk about some personal issue that they had at home or why

1 they -- or they may want to say, "Hey, I need to come in  
2 late all of next week because I have to take someone here."  
3 I would have one-on-one meetings all the time.

4 But Kopal didn't have a lot of one-on-one meetings, so  
5 I decided, "Why don't we have a one-on-one meeting," and we  
6 just set it up on our calendar that we make sure that we --  
7 we -- we -- we have every single -- every single week. And  
8 that's what came out of the meeting. After that, the  
9 one-on-one meeting became -- so I'll just leave it there.

10 Q. Okay.

11 A. I'll leave it there, yes.

12 Q. So do I understand you to say that you had never had  
13 one-on-one meetings with Kopal prior to this August meeting  
14 with Alexa when you-all decided to proceed in that  
15 direction?

16 A. So I asked Kopal once prior to have one-on-one meetings, so  
17 she set up one-on-one meetings with me and the team, but  
18 she never made the meetings, so --

19 Q. Okay. Now, so let's -- well, now, let me ask this: Did  
20 Kopal have one-on-one meetings with other people on your  
21 team?

22 A. I'm sorry, but I can't answer that question. I know that  
23 she had some scheduled, but I can't tell you whether or not  
24 the one-on-one meetings actually happened. I know that  
25 some of my team members complained, but I don't know. I

1 so elaborate.

2 You know, you don't typically see one-on-ones with  
3 documentation that elaborate. That's because from the very  
4 beginning, like I tried to explain, this is something that  
5 was intentional from the very beginning, from the very  
6 first one-on-one. And that's why you see that level of  
7 documentation that she has for a one-on-one meeting.

8 So I felt like: Okay, this isn't getting better. I  
9 know that she wants to fire me. Maybe our next step is to  
10 be able to get a mediator. Now, when I was the chairperson  
11 for the diversity inclusion at Hewitt, this is something  
12 that we didn't frown upon. We wanted for mediators to be  
13 able to come in and mediate a situation before things got  
14 too far.

15 Knowing that she was keeping documentation and all of  
16 this stuff, I said, "Is it possible for us to have someone  
17 externally to come in and help us?" Because HR apparently  
18 couldn't help us. What happened after our first one-on-one  
19 meeting, Alexa Moor, she didn't work there anymore. The  
20 person that was helping us wasn't even available. She  
21 wasn't even there to help us. So what is my next step? I  
22 mean, what should I do next? The only thing that I could  
23 think of is: We need to seek outside help. And seeking  
24 outside help, in my opinion, is always the best thing to do  
25 if you can't resolve it internally because if training -- a

1 the seriousness of mediation if you go outside. I  
2 understand the seriousness of that. But at that point I  
3 didn't know what else I could do, so -- but yes, Hewitt  
4 is -- that's where I learned about mediation and all of  
5 that.

6 Q. And I see in this email reference to your work as a  
7 community activist. Is that on behalf of your employment  
8 here?

9 A. Yes. Oh, definitely, definitely. I try my best to try to  
10 help, you know, homeless folks and people in need, but I  
11 also help at-risk teens, right? So that's what I mean by  
12 that.

13 Q. Now, you had discussed your -- you met with Alexa Moor at  
14 HR, as you have described. Did you talk to anyone else at  
15 Electrolux at this point about the issues you were having  
16 with Kopal?

17 A. Yes, I spoke to the director, Brenda Simpson. I had  
18 reached out to her, and we met. And I asked her -- well,  
19 she wanted to meet with me after I mentioned that I wanted  
20 to get a mediator. So we had a meeting. She wanted to  
21 know what was happening because she was in Sweden, I  
22 believe, for a few weeks at the time that Kopal and I were  
23 having these issues.

24 So when she came back from Sweden, she met with me,  
25 and I told her that I would like to get a mediator. And



1 were managers except me, and Rick Stovall was a project  
2 manager, but he left the company. Either -- I think he  
3 resigned. So that just left me. So when I left, I was the  
4 only person that was not a manager on the ITGC audit  
5 committee.

6 Q. Okay. Who else was on the audit committee?

7 A. Bryan Jackson; Arthur Thomas; Allen -- I forget his last  
8 name -- Allen Olive, I believe his last name is, Allen  
9 Olive; Brenda Simpson, and I believe that's it.

10 Q. I know that Brenda was two levels above your chain of  
11 command. Did the other managers report to Brenda, or would  
12 they have been her peers?

13 A. They reported to Brenda. Brenda was the director at the  
14 time.

15 Q. Now, in balancing your various duties and assignments, how  
16 did you set priorities? How did you decide what needed to  
17 be done immediately and what could be done in a couple of  
18 days?

19 A. So the number one priority has always been production  
20 support. That's always the number one priority, so tickets  
21 are the number one priority. And we have different  
22 severity levels in tickets. We have level 1, which means  
23 that the sky is falling; and we have level 2, which is a  
24 very, very high severity; and then we have level 3 and 4.

25 So if it was a level 2 or a level 1 situation, that

1 MR. ALEXANDER: Now, let's scroll up. Go up. Go  
2 down, scroll down. Okay. Scroll down a little bit more.

3 Q. (By Mr. Alexander) There's a list of expectations that's on  
4 the screen now.

5 A. Yes, I can see that.

6 Q. Okay. All right. I just want to talk with you about them  
7 and ask if you think that they are reasonable or  
8 unreasonable in your situation. The first one is,  
9 "Assigned project/tasks are to be completed on time  
10 following the defined process and priorities." Is that a  
11 reasonable or unreasonable expectation?

12 A. It really depends on when we're talking about, but yes, I  
13 think that's a reasonable expectation.

14 But again, I just want to make sure that you  
15 understand that in Electrolux IT -- when you look at this  
16 performance improvement plan, you see that there's a  
17 mention of probably two of my positions or two of my roles  
18 that I had at Electrolux. But remember, I'm the only  
19 person in IT that has four different leadership roles  
20 within the IT organization.

21 This speaks to the application support analyst team  
22 lead role and not any of the other roles. So I want to  
23 make sure that that's understood; that this is referring to  
24 the CAB role, as well as the application support analyst  
25 role. That's what I see as expectations here. So I want

1 to make sure that (inaudible) --

2 THE COURT REPORTER: I'm sorry, "So I want to  
3 make sure that" -- and then your voice dropped and I didn't  
4 hear you.

5 A. I just want to make sure that you understood that that is  
6 what this PIP is covering, the CAB role and my team lead  
7 role, not my other roles that I had. But yeah, I think  
8 that first bullet item is reasonable, depending on the  
9 timing, yes.

10 Q. All right. The next bullet, "Continuously share updates  
11 with manager and project manager (if any) in project and  
12 one-on-one meetings. Updates to also be included in weekly  
13 status reports." And do you think that is reasonable or  
14 unreasonable?

15 A. Yes, I think that is reasonable.

16 Q. "Build and maintain enthusiasm in team members"?

17 A. Yes, I think that's reasonable.

18 Q. "Lead by example - Assign service-now incidents and  
19 requests on daily basis and complete them within SLA"?

20 A. I think that is -- I think that is reasonable, again, but  
21 that really depends on the timing.

22 And I just want to make sure that -- just to give you  
23 an example: So when you look at this PIP and some of the  
24 expectations, that may work well for a person that's  
25 working 20 hours a day, right? So I hope I'm not expected

1 Q. Okay.

2 A. I'll have to look at weekly status updates.

3 Q. And then the last bullet point, and your answer may be the  
4 same. And so I'm just going to read the bullet point for  
5 purposes of the record.

6 "Establish rotation of CAB responsibilities among CAB  
7 leaders for meeting facilitation, reviewal of documents and  
8 reviewal of change requests, to be completed by  
9 November 22nd."

10 A. I'm not 100-percent sure whether I completed it by that  
11 date or not. I know they were completed, but I'm not sure  
12 if they were completed by that date or not.

13 MR. ALEXANDER: Now, let's scroll down.

14 Q. (By Mr. Alexander) And then we've got under the "Agility -  
15 Acumen and Judgment," there are some expectations here.

16 A. Yes.

17 Q. And I just want to ask you whether you think any of them  
18 are unreasonable.

19 A. No, I don't think that any of those are unreasonable. I  
20 never thought that any of those types of -- anything  
21 related to agility and acumen -- any times I've had  
22 expectations linked to that, I've never thought they were  
23 unreasonable.

24 And the reason I can say that is because I've been  
25 chosen for multiple positions where I had to use agility

1 and acumen, right? They chose me to be The Home Depot  
2 relationship manager for a reason, because I do all these  
3 things. And, again, on past performance reviews you'll see  
4 that I exceeded expectations in doing so.

5 So because I'm Black now and that I have Kopal as a  
6 manager now, now I'm coming into question on whether or not  
7 I'm able to meet these expectations. But this was never an  
8 issue in the past. For the eight years that I worked at  
9 Electrolux before Kopal came on board, I never had a  
10 problem with any of these things. It happened after she  
11 came on board, and she discriminated against me because I'm  
12 Black. That's the bottom line. There's no other way that  
13 I can think of any reason why I wouldn't be able to meet  
14 any one of these expectations.

15 MR. ALEXANDER: Let's scroll on down.

16 Q. (By Mr. Alexander) And then section 3 is entitled,  
17 "Openness - Cross-Collaboration and Growth - Coaching  
18 Others," and there are some expectations under that. I  
19 would just ask you to look over that list, Mr. Flowers, and  
20 tell me if there are any expectations there that you think  
21 are unreasonable.

22 A. Yes, I think these expectations are reasonable.

23 Q. Now, you mentioned that you thought that this was -- that  
24 Kopal wanted to terminate you because you were Black.  
25 Brenda Simpson was in that meeting too, I believe; is that

1 A. I have type II diabetes.

2 Q. Do you recall when you were first diagnosed with that?

3 A. It had to be somewhere around 2015, at least I think. Yes,  
4 the last five years or so.

5 Q. What types of symptoms does this cause you to suffer from?

6 A. Frequent urination. Sometimes I see spots. When I'm  
7 looking at something, I'll see spots if my blood sugar is  
8 too high. So those are the two main symptoms that I see.

9 Q. Now, it's my understanding that there is not a cure for  
10 diabetes, although there are some drugs that are helpful in  
11 treating it; is that correct?

12 A. Yes, that is correct. You can keep it under control with  
13 diet, but you can't entirely just eliminate it. But you  
14 can definitely keep it under control with exercise and  
15 diet.

16 Q. With some sorts of chronic diseases like, for instance, MS,  
17 someone can have a real big problem, a big flare-up, and it  
18 is very debilitating for a period of time. Does diabetes  
19 affect you that way?

20 A. Yes, it can. If it's a flare-up, it can affect me that  
21 way, yes.

22 Q. In the years since your diagnosis, how many times have you  
23 had one of those flare-ups?

24 A. The most severe flare-up I've ever had was at Electrolux in  
25 2019.

1 Q. Did it cause you to miss work?

2 A. Yes, it did.

3 Q. And how long were you out?

4 A. I was out -- I worked -- I wouldn't say out. I worked from  
5 home for a few days, and then I came into the office one  
6 morning my regular time. I got there, I think, at 7:30 in  
7 the morning, and I forced myself to go to work because I  
8 don't like to work from home too much. So I forced myself  
9 to come in to work, and I convinced my wife that I was  
10 okay. And I went to work, and I got to work. And people  
11 saw me when I walked through the door, and they said, "Joe,  
12 what's wrong with you?"

13 And I said, "What?" I hadn't noticed that I had lost  
14 like 40 pounds. I had lost a tremendous amount of weight  
15 in a few weeks. They didn't know what was wrong with me,  
16 and I said, "Really?" I went back to the bathroom and I  
17 looked 'cause I didn't really think about it. You know,  
18 when you look at yourself, I didn't think about it. I  
19 looked and I said, "Oh, my gosh." I said, "Something might  
20 really be wrong with me."

21 At the time I didn't -- I wasn't sure how severe it  
22 was, but I know I was weak or whatever. I didn't know what  
23 my blood pressure was at the time. So I saw one of my team  
24 members. I think I went in and I saw one of my team  
25 members or someone. I said, "Hey, I need to go to the

1           And I started putting things together after I was  
2           terminated that: Wow, all this stuff plays into  
3           everything. So it's something that I probably should have  
4           kept to myself, to be quite honest. It's probably  
5           something that I probably should have kept to myself.

6   Q.   So you believe if you had, you would not have been  
7           terminated?

8   A.   If I didn't have diabetes?

9   Q.   If you had not told anyone, nobody knew you had diabetes,  
10          do you believe you would not have been terminated?

11   A.   I'm not 100-percent sure. I don't know 100-percent sure.  
12          All I know is that I'm African-American and I had diabetes,  
13          and I was terminated, I believe, unlawfully. I will say  
14          that.

15   Q.   Now, did you have a request that the company make any sort  
16          of accommodation because of your disability?

17   A.   I never asked them -- I don't remember asking them to make  
18          accommodations like, "I need a wheelchair," to bring a  
19          wheelchair to work or anything like that. I haven't asked  
20          them to do anything like that.

21   Q.   I mean, now, you, of course, have missed some days for  
22          being sick, as most people do. Other than the incident  
23          you've just described where you were in the hospital for  
24          three days, were any of those days related to diabetes, or  
25          was that just the same thing everybody else has?



1 A. Some of it was related to diabetes. Yes, some of it was.

2 Q. In your communications with the company when you were out  
3 on those days that were related to diabetes, you didn't  
4 make any mention of it being related to diabetes, did you?

5 A. No, I didn't send an email saying, "Because of my diabetes,  
6 I can't come to work today." I did not. I never sent an  
7 email like that. No, I never sent that type of email, but  
8 I may have sent an email saying that, "I'm not feeling well  
9 today, so I can't make it in to work."

10 Q. And did anyone in management know that that three-day  
11 hospitalization was related to diabetes?

12 A. Yes.

13 Q. Who would have known that?

14 A. My manager, Kopal.

15 Q. How would she have known that?

16 A. I remember sending her a message letting her know that I  
17 was in the hospital. And I remember when I came back to  
18 work, I told the entire team in our team meeting that --  
19 what happened.

20 Q. All right. I understand that you believe you were treated  
21 differently because of your diabetes. Has anyone ever told  
22 you that or made a remark that causes you to believe that?

23 A. No one ever said -- no one ever said to me plainly, "I'm  
24 going to discriminate against you because you have  
25 diabetes." But one thing that I can say is that I was